

1 Christopher S. Marchese, (SBN 170239), [marchese@fr.com](mailto:marchese@fr.com)  
2 FISH & RICHARDSON P.C.  
3 555 West Fifth Street, 31st Floor  
4 Los Angeles, CA 90013  
5 Telephone: (213) 533-4240  
6 Facsimile: (858) 678-5099

7 Michael M. Rosen (SBN 230964), [rosen@fr.com](mailto:rosen@fr.com)  
8 Joanna M. Fuller (SBN 266406), [jfuller@fr.com](mailto:jfuller@fr.com)  
9 FISH & RICHARDSON P.C.  
10 12390 El Camino Real  
11 San Diego, CA 92130  
12 Telephone: (858) 678-5070  
13 Facsimile: (858) 678-5099

14 Andrew R. Kopsidas (admitted *Pro Hac Vice*), [kopsidas@fr.com](mailto:kopsidas@fr.com)  
15 FISH & RICHARDSON P.C.  
16 1425 K Street, N.W., 11th Floor  
17 Washington, DC 20005  
18 Telephone: (202) 783-5070  
19 Facsimile: (202) 783-2331

20 Attorneys for Plaintiff, CH<sub>2</sub>O, INC.,

21 UNITED STATES DISTRICT COURT

22 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

23 CH<sub>2</sub>O, INC.,

24 Case No. CV-13-8418 JAK (GJSx)

25 Plaintiff,

26 v.

27 MERAS ENGINEERING, INC.;  
28 HOUWELING'S NURSERIES  
OXNARD, INC.; HNL HOLDINGS  
LTD.; HOUWELING UTAH  
OPERATIONS, INC.; and  
HOUWELING'S NURSERIES LTD.,

Defendants.

29 DECLARATION OF JOANNA M.  
30 FULLER IN SUPPORT OF CH<sub>2</sub>O,  
31 INC.'S MOTION FOR PARTIAL  
32 SUMMARY JUDGMENT

33 Date: April 4, 2016  
34 Time: 8:30 a.m.

35 Hon. John A. Kronstadt

36 DECLARATION OF JOANNA M. FULLER ISO CH<sub>2</sub>O, INC.'S  
37 MOTION FOR PARTIAL SUMMARY JUDGMENT

38 Case No. CV-13-8418 JAK (GJSx)

1 I, Joanna M. Fuller, hereby declare and state as follows:

2 1. I am an attorney at the law firm of Fish & Richardson P.C. and counsel  
3 for Plaintiff CH<sub>2</sub>O, Inc. ("CH<sub>2</sub>O"). I am admitted to practice before this Court. I  
4 have personal knowledge of the facts stated in this declaration and can and would  
5 testify truthfully thereto if called upon to do so.

6 2. Attached to my declaration as Exhibit 1 is a true and correct copy of  
7 Deininger, et al., "Chlorine Dioxide."

8 3. Attached to my declaration as Exhibit 2 is a true and correct copy of  
9 Will, et al., "Irrigation Water Quality for Greenhouse Production."

10 4. Attached to my declaration as Exhibit 3 is a true and correct copy of  
11 Roberts, et al., "Chlorine Dioxide for Wastewater Disinfection: A Feasibility  
12 Evaluation."

13 5. Attached to my declaration as Exhibit 4 is a true and correct copy of  
14 Cox, "Water Quality: pH and Alkalinity."

15 6. Attached to my declaration as Exhibit 5 is a true and correct copy of  
16 Flood, "Irrigation Water Quality For BC Greenhouses."

17 7. Attached to my declaration as Exhibit 6 is a true and correct copy of  
18 Bailey, et al., "Alkalinity Control for Irrigation Water Used in Nurseries and  
19 Greenhouses."

20 8. Attached to my declaration as Exhibit 7 is a true and correct copy of  
21 Southern Agricultural Insecticides, "20-20-20 Soluble Fertilizer with Minor  
22 Elements."

23 9. Attached to my declaration as Exhibit 8 is a true and correct copy of  
24 excerpts from Defendant Meras Engineering Inc.'s Amended and Supplemental  
25 Response to CH<sub>2</sub>O, Inc.'s First Set of Interrogatories, served February 5, 2016  
26 **[FILED UNDER SEAL]**.

27 10. Attached to my declaration as Exhibit 9 is a true and correct copy of

28 DECLARATION OF JOANNA M. FULLER ISO CH<sub>2</sub>O, INC.'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT

1 excerpts from Houweling's Nurseries Oxnard, Inc.'s Responses and Objections to  
2 Plaintiff CH<sub>2</sub>O's First Set of Interrogatories, served December 14, 2015.

3 11. Attached to my declaration as Exhibit 10 is a true and correct copy of  
4 excerpts from the Expert Invalidity Report by Bernard Bubnis, Ph.D., dated January  
5 25, 2016 **[FILED UNDER SEAL]**.

6 12. Attached to my declaration as Exhibit 11 is a true and correct copy of  
7 Invalidity Contentions of Defendant Houweling's Nurseries Oxnard, Inc., HNL  
8 Holdings Ltd., Houweling Utah Operations, Inc., and Houweling's Nurseries Ltd.,  
9 under S.P.R. 4.2 [Amended], dated February 10, 2016.

10 13. Attached to my declaration as Exhibit 12 is a true and correct copy of  
11 Defendant Meras Eng'g Inc.'s Amended and Final Invalidity Contentions, dated  
12 January 5, 2016.

13 14. Attached to my declaration as Exhibit 13 is a true and correct copy of  
14 U.S. Patent No. 6,767,470.

15 I declare under the penalty of perjury of the laws of the United States of  
16 America that the foregoing is true and correct. Executed on March 1, 2016, in San  
17 Diego, California.

18  
19 */s/ Joanna M. Fuller*  
20 Joanna M. Fuller  
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DECLARATION OF JOANNA M. FULLER ISO CH<sub>2</sub>O, INC.'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT

2 Case No. CV-13-8418 JAK (GJSx)

**CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that a true and correct copy of the above and  
3 foregoing document has been served on March 1, 2016 to all counsel of record who  
4 are deemed to have consented to electronic service via the Court's CM/ECF system.  
5 Any other counsel of record will be served by electronic mail and regular mail.

/s/ Joanna M. Fuller  
Joanna M. Fuller  
jfuller@fr.com

DECLARATION OF JOANNA M. FULLER ISO CH<sub>2</sub>O, INC.'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT